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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,586	10/24/2001	Richard Becker	BI9321P	4961
33197	7590	03/05/2004	EXAMINER	
STOUT, UXA, BUYAN & MULLINS LLP			LEE, JOHN D	
4 VENTURE, SUITE 300			ART UNIT	
IRVINE, CA 92618			PAPER NUMBER	
			2874	
DATE MAILED: 03/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,586	<b>Applicant(s)</b> BECKER, RICHARD	
	<b>Examiner</b> John D. Lee	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13,14 and 17 is/are rejected.
- 7) ☒ Claim(s) 12,15,16,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

This Office action is responsive to applicant's amendment filed on December 17, 2003.

The new corrected drawings, received on December 17, 2003, are acceptable.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,452,391 to Chou et al (already of record). Chou et al discloses a reusable optical fiber connector adapter with an optical barrier having all the limitations of these claims. Specifically, Chou et al discloses a fiber guide assembly (figures 1, 2, and 14) comprising a hub (16 and 10) having a proximal end (22) and a distal end (32), and having a longitudinally extending fiber guide tube therethrough (which also has proximal and distal ends). The portion of the hub which is positioned around the proximal end of the fiber guide tube has a plurality of pin-type electrical contacts (24), such pin-type contacts being retractable (column 4, lines 62-bottom). A printed circuit board (i.e. a "microcircuit") is placed into electrical contact with the pins and the position of the pins contacting the circuit board determine a coding sequence indicative of the presence or absence of the fiber (column 10, lines 59-bottom). The coding sequence is decoded (inherently) to determine whether or not the fiber is attached to the hub.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 10, 13, 14, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,452,391 to Chou et al. As explained above, Chou et al discloses an optical fiber assembly with all the primary elements of the claimed invention. With respect to claims 1 and 13, however, the reference does not explicitly disclose that the assembly is a “detector” apparatus. Since the plurality of retractable pin-type electrical contacts in Chou et al do provide fiber identification information (i.e. the presence or absence of a fiber), it would certainly have been obvious to the person of ordinary skill in the art to label the Chou et al device as a “detector apparatus”. It “detects” the presence or absence of a fiber therein. With respect to claims 2 and 5, note that the pin-type electrical contacts (24), being in electrical contact with the printed circuit board, are thus in electrical contact with each other. Regarding claim 10, although the position of the pins in Chou et al (in electrical contact or not in electrical contact) determine the characteristic (presence or absence) of the optical fiber, the number of pins does not seem to have a lot to do with such determination. It would have been obvious, however, to also have the number of pins in electrical contact (or not in electrical contact) contribute to this determination of fiber presence or absence. With respect to claim 14, note that Chou et al describes a “plurality” of pin-type electrical contacts (24). Although no specific number is mentioned, the provision of at least three (3) contacts would have been obvious. Regarding claim 17, the printed circuit board (i.e. “microcircuit”) described above could obviously be adapted to store data.


Claims 12, 15, 16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. There is no disclosure or suggestion of a “material remover” in the Chou et al device. Also, the Chou et al device is not adapted for determining length, shape, diameter, or type of optical fiber placed therein. Moreover, the Chou et al device is not adapted for determining a fiber tip’s power density.

Applicant's arguments filed December 17, 2003, have been fully considered but they are not persuasive. Applicant simply denies the findings of the Examiner as set forth in the previous Office action, but does not explain why the reference allegedly doesn’t disclose or teach such findings. Nevertheless, the claim rejections have been somewhat revised in the present Office action in accordance with what the Examiner now finds to be taught and/or suggested in the Chou et al reference. This action is *not* made final.

Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner’s normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562, to the technical support staff supervisor (Team 2) at telephone number (571) 272-1564, or

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to the Technology Center 2800 Customer Service Office at telephone number (571) 272-1626.

  
**John D. Lee**  
**Primary Patent Examiner**  
**Group Art Unit 2874**